

The examiner has not shown substantial evidence to show that the single controller is the same as a single controller in a complex system as contrasted with a simple system. There is no substantial evidence cited by the examiner to show that the motivation for combining the elements is shown in any of the patents cited. See Werner Kotzab No. 99-1231 (Fed. Cir. Jun 30, 2000). The court noted that this case addresses the common situation where an examiner deems motivation for combining elements merely from the simplistic nature of the inventive principle. The court notes that “particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”

Further note that in Brown & Williamson Tobacco Corp. v. Philip Morris Inc. Nos. 99-1389,-1403 (Fed. Cir. Oct. 17, 2000). The court says that the criterion for a finding of obviousness under 35 U.S.C. § 103 is “whether the prior art would have suggested to one of ordinary skill in the art that this process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art.” In order to satisfy this criterion, the party alleging obviousness must show a suggestion, motivation, or teaching to combine the prior references as well as a reasonable expectation of success.

Applicant submits that there has been no showing of any motivation to combine the numerous patents utilized to anticipate applicant’s invention nor a reasonable expectation of success.

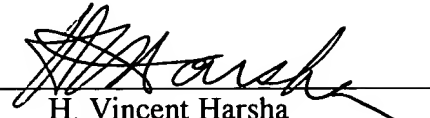
Applicant submits that the application as now presented is believed in condition for allowance and action to that request is respectfully requested.

Respectfully submitted,

FIDLAR AND CHAMBERS,

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By


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